

LUMSD

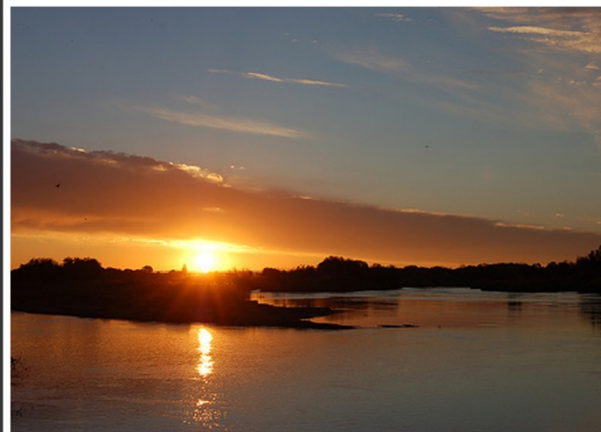
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LAND USE MANAGEMENT SYSTEM

Competent Authority



//Khara Hais
Local Municipality



APPLICATION PROCEDURES

Compiled By



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1. INTRODUCTION AND BACKGROUND

The purpose of this document is to assist the Competent Authority, officials, professional agents and bodies, as well as members of the general public, with submitting, processing and the finalisation of any application, in terms of land use management within the municipal area of //Khara Hais. It is the intention of this document to indicate the powers of decision-making, the procedures in processing an application and possible incentives for development in areas earmarked for development in accordance with the SDF and PSDF.

1.1. COMPONENTS OF APPLICATION PROCEDURES - LUMS D

The Application Procedures (LUMS D) consists of the following sections, namely:

- **Chapter 2: General Background** - to give a general background to the handling of applications.
- **Chapter 3: Format of applications** – gives a summary of the various application types and the information that must form part thereof.
- **Chapter 4: Procedures for handling of applications** – gives a summary of each step that has to be taken throughout the process, the handling of the public participation process and the different components thereof, as well as an insight into the different applications handled by the decision making-body, as well as the applicable time frame.
- **Chapter 5: Development Incentives** – the linking of the application procedures to the spatial guidelines of the applicable areas.
- **Chapter 6: General Principles and policies** – gives an indication into preferential zoning, exempted subdivision and other relevant policies.

2. GENERAL BACKGROUND

This manual intends to support applications regarding the Competent Authority's land use control and management and should be read with the applicable Scheme Regulations (LUMS B). The following general notes on applications must be kept in mind at all times, namely:

- i. Applicants are advised to consult a Professional Town Planner and to consult the Planning Professional Act, Act 36 of 2002, where applicable and adhere to any regulations and promulgation legislation.
- ii. Applicants are advised to be personally involved with the application process and to determine the impact of all relevant legislation on the planned development before commencing with an application.
- iii. Applicants are advised to provide as much information as possible, as imprecise and vague information leads to delays in the processing of applications.
- iv. All correspondence with reference to any application will be conducted in the language used for completion of the application form, unless the applicant requests otherwise.
- v. When an application requires several approvals in terms of various legislation and two or more of the applications must be advertised, the applicant shall point this out to the Competent Authority, for him/her to be able to advertise all such applications and submit them for approval simultaneously.
- vi. Applications submitted to the Competent Authority will not be processed by the Registrar unless all outstanding items, in terms of the mentioned applicable legislation, have been attached and provided to the satisfaction of the mentioned authority. The applicant must adhere to all legislative requirements before submitting an application to the Competent Authority.
- vii. Any applicant's attention is drawn specifically to the following requirements and provisions that forms an important component of each application, namely:
 - a. Incorrect and incomplete applications shall be sent back immediately by the Registrar, due to the fact that such applications cause delays and impairs developers who compile thorough applications.
 - b. Developers must personally be involved with their applications and must see to it that their own staff or parties that act on their behalf, do not delay the process unnecessarily.
 - c. Applicants must note that, up until the time that an application has been approved in writing, any correspondence or deliberations held in terms of this application, cannot be regarded as an indication that approval will be given and the Competent Authority is not bound in any way.
 - d. No application may be prepared or submitted by an official of the Competent Authority on behalf of another person or party.
 - e. The Competent Authority reserves the right to annul any approval, based on incorrect information provided by an applicant. Applicants should therefore ensure that all information is provided in terms of restrictive aspects that may influence the application.
 - f. Where applicable, the applicant and/or person that acts on their behalf, must adhere to the regulations of the Planning Professional Act, Act 36 of 2002.
- viii. Applicants are advised to discuss their applications and procedures beforehand with the appropriate and responsible official of the Competent Authority, as part of the pre-application phase.
- ix. It is pointed out to applicants that the most appropriate and restrictive zoning that shall be applicable to the proposed use/development of the site, will be considered by the Competent Authority and that applications should be submitted as such.

Please Note: No official of the Competent Authority may assist an applicant with the preparation and/or submission of any application.

3. FORMAT AND STANDARD OF APPLICATIONS

3.1. APPLICATION FORM

The Competent Authority's approved application form for comprehensive applications, is attached to this LUMS D as Annexure A. The abridged application form is attached to LUMS D as Annexure B. The accurate and complete filling in of these application forms are a prerequisite for any application submitted to the Competent Authority. Additional to this application form and supporting the application, the following shall form part of any application, unless the Competent Authority has, in writing, indicated differently.

3.2. PLANS AND MAPS

The following plans and maps shall accompany the application, together with the information referred to below:

Table 1: Type of Plans and Maps to form part of applications:

Nr	Type of Plans and Maps General Note: ✓ = compulsory and ● = optional for inclusion	Comprehensive application form		Abridged application form	
		Yes	No	Yes	No
3.2.1	Orientating Locality Map in terms of the town or region on a clearly readable A3 or A4 sized map. Such a map must clearly indicate the application area in relation to the surrounding properties and must include the following basic details, namely: <ul style="list-style-type: none"> • True north, scale, key and heading "Orientating Locality Map"; • The approximate location of the land unit involved in the application, relative to the nearest town for farming areas and the immediate residential neighbourhoods for urban areas; • Boundary of the Local Authority, including the names of adjacent Local Authorities for applications near the border of the aforementioned; • Roads, indicated whether they are main roads, highways, national roads or provincial roads if near or adjacent to the application area. • Size and location of the particular portion applicable to the application and; • Any other applicable particulars to give more clarity to the application. 	✓		✓	
3.2.2	Basic Layout Map that gives more information in relation to the following, namely: <ul style="list-style-type: none"> • True north, scale, key and heading "Basic Layout Map"; • Erf boundaries, street names (if applicable), including neighbouring erf or farm numbers. • The location of existing buildings and applicable servitudes on the application area and surrounding properties. • Detail regarding the proposed development, including proposed subdivision and consolidation boundaries. • Any physical restrictions on the land unit or neighbouring land units that might influence the application (if applicable). • Any other applicable particulars to give more clarity to the application. 	●	●	✓	
3.2.3	Zoning Map Extract must include an extract of the Competent Authority's Zoning Map with the following detail, namely: <ul style="list-style-type: none"> • The scale, true north, key and heading "Zoning Map Extract"; • All land units and existing zonings thereof within a radius of 300m from the outside boundary of the application area, as well as all undeveloped land units for applications within Urban Areas and; • All land units and existing zonings of adjacent farms for applications within Rural Areas. 	✓			✓
3.2.4	Land Use Map must be included where the existing land uses differ from the relative zonings of the application area, or if the Competent Authority requests it, the application shall also be accompanied by a map that indicates the existing uses of all land on the map including the following detail, namely: <ul style="list-style-type: none"> • The scale, true north, key and heading "Land Use Map"; 	✓		●	●

Nr	Type of Plans and Maps General Note: ✓ = compulsory and ● = optional for inclusion	Comprehensive application form		Abridged application form	
		Yes	No	Yes	No
	<ul style="list-style-type: none"> The location of existing buildings, applicable servitudes on the application area and surrounding properties, as well as existing infrastructure. All existing land uses found within a radius of 300m from the outside boundary of the application area, as well as all undeveloped land units for applications within Urban Areas and; All land units and existing land uses of adjacent farms for applications within Rural Areas. 				
3.2.5	<p>Detail Layout Map (if applicable) must be included for any application that, to the request of the Competent Authority, necessitates such detail for consideration. The mentioned maps and plans must be on one of the international paper sizes varying from A0 to A4 (must be readable on the smallest format) on an appropriate scale, indicating the following, namely:</p> <ul style="list-style-type: none"> The scale, true north, key and heading "Detail Layout Map"; The Detail Layout plan must indicate the map number and all amendments shall have consecutive numbers. Contours with 1m or 2m height differences up to outside of the Layout boundary. All areas steeper than 1:4. 1:50 annual flood-line, if applicable. Other physical restrictions that might influence the layout (e.g. cliffs, marshes, dunes, etc.). All existing services within and surrounding the application area. All servitudes influencing the application area. Road layout on adjacent land units. The proposed subdivision(s). Sufficient measurements to indicate the sizes of the subdivisions. The erven numbered consecutively. The name of the person or firm that prepared the layout, including Professional Registration number. If contours, indicated on the map, were prepared by another person or firm, the particular name should also be mentioned. Lo-coordinates together with grid references if requested. The proposed new streets names for new township establishments. A list of the proposed zonings distinguished by means of different colours (the colour code shall be in accordance with the scheme regulations indicated as part of LUMS B), indicating the different uses, amount of erven for each use, surfaces per use and surfaces expressed as a percentage of the total area of the subdivision. The surface area shall be expressed in m² and/or hectares. Professional SACPLAN registration number. 	✓		✓	
3.2.6	<p>Site Development Plan (if applicable and submitted by a Competent Person) must be included for any application that, in the opinion of the Competent Authority, can have an influence on interested and affected parties and can include the following, namely:</p> <ul style="list-style-type: none"> The scale, true north, key and heading "Site Development Plan"; Existing buildings on the land unit and on directly adjacent land units. All servitudes on the application area. All existing services within and surrounding the application area. All proposed buildings, parking bays, landscaped areas and any other detail that can give more clarity to the application. 	✓		✓	

If necessary, in extreme cases, to deviate from requirements mentioned in Table 1, such a deviation will have to be motivated. This requirement also does not exempt the applicant from providing any additional information as required by the Competent Authority.

3.3. MOTIVATIONAL REPORT

A comprehensive motivation for all applications, regarding the desirability of the intended land use amendment, shall be attached to both the Comprehensive and Abridged application forms. The extent of this report will differ from application to application, depending on the sensitivity of the environment and the size of the intended development. The following guidelines apply regarding such motivation:

3.3.1. DESIRABILITY

The concept “desirability” in the context of land use planning, can be defined as the degree of acceptability of the proposed amendment for the particular land unit. The motivation of the proposed development’s desirability must be done in relation to the following aspects:

- i. **Physical characteristics of the property:** The expected influence of the proposed land use amendment and any modification of the physical characteristics shall be discussed. The physical characteristics include topography (inclines), geological formations, soil characteristics and depth of underlying rock-formations, microclimate, vegetation (e.g. invasive plants), flood plains and flood-lines, water tables, springs, drainage pattern, unique ecological habitats and sensitive areas, existing filled areas and gravel quarries, carrying potential of the area, etc.
- ii. **Existing planning of the area:** Discuss how the intended land use amendment complies with existing planning regarding the area e.g. SDF, NSDF, PSDF, IDP, adopted policies of the Competent Authority, etc.
- iii. **Character of the environment:** Discuss the reconcilability of the proposed land use amendment with the land uses typical for the area, the residential density (e.g. size of erven), historical and architectural areas or areas worth conserving, natural assets, amount of community facilities, privacy of neighbours, street scenes, view, etc.
- iv. **The potential of the property:** Discuss the potential of the property for other uses, e.g. agriculture (in an existing agricultural area), conservation (of natural and urban environments), mining (e.g. are there any economically exploitable minerals on the property?), recreation and how this proposal influences potential.
- v. **The location and accessibility of the property:** Discuss the accessibility of the property in view of existing urban development, the main road network and other infrastructure, as well as the influence of additional traffic on the environment, if any. In the case of a rezoning and subdivision application, the availability of land units with similar characteristics and the expected tempo of development of such areas shall also be discussed.
- vi. **Provision of services:** Discuss the possibility of service provision (are there any problems therewith), what type of services will be rendered, what the cost implication of the provision will be and whether it is desirable to provide this type of services (e.g. what the influence thereof will be on the natural environment), possible pollution, etc. For any private development, detail Civil and Engineering Reports must be attached (if requested) to the document to the satisfaction of the Competent Authority’s Engineering Department.
- vii. **The construction phase of the proposal (if applicable):** Discuss how long the construction phase will last, whether any temporary structures will have to be erected (e.g. camps for workers), where construction material will be collected (e.g. gravel quarries on the site), or if any levelling of dunes, excavations, fillings, removal of vegetation, etc. is contemplated and what the degree thereof will be, where construction materials will be stored and whether any damage to the natural environment will be repaired or not (e.g. by site rehabilitation and Environmental Management Plan).

3.4. FORMAT OF THE LAYOUT

The format of the detail layout map shall also be motivated in view of the following aspects:

- i. **Intrinsic characteristics of the site:** Discuss how intrinsic physical characteristics and manmade capacity are handled in view of, for instance, existing infrastructure, surrounding land uses, restrictions such as noise and air pollution, inclines, etc. of the site.
- ii. **Provision of community facilities and open spaces:** Discuss the amount, size and location of such facilities, the usefulness of open spaces, how open space fit in with an existing or intended open space structure, how many open spaces will be provided per 1000 persons, etc.
- iii. **Road infrastructure:** Discuss the hierarchy and width of roads, the length and cross section inclines, the linkage with existing road structures, the influence of the road network on other infrastructure (e.g. drainage and sewerage), the accessibility of the various land units, as well as the possible separation of pedestrian and vehicle traffic.
- iv. **Local businesses, high density housing and mixed land use areas:** Discuss the size and location of sites, the proposed zonings thereof, and the influence of these proposed zonings on neighbouring land units, flow of traffic and provision of open spaces.

3.5. COPY OF THE TITLE DEED

A copy of the title deed of each individual portion of land, applicable to the application, shall be attached to the application, as an annexure.

3.6. BONDHOLDER'S CONSENT

Any application in terms of the LUMS of //Khara Hais Municipality, where such land or a portion thereof is subject to the consent of the bondholder, the letter of consent from the mentioned bondholder must be included as an annexure to the application.

3.7. POWER OF ATTORNEY FOR APPLICATION

If the application is prepared and/or submitted by any other person or party than the registered owner of the land, the application shall be accompanied by a power of attorney for the application and the power of attorney shall describe the nature and extent of the application. If the land owner is a Trust, Close Corporation or Company, a resolution by all directors, members and trustees must also be included. Please see note on Planning Professional Act.

3.8. APPLICABLE AND PRESCRIBED SURVEYS AND APPROVALS

Should any other legislation or authority require any other actions (such as the requirements in respect of the environmental impact assessments, heritage, SANRAL approval, etc.) proof of compliance to such prerequisites must be attached to the application.

3.9. ADDITIONAL INFORMATION

The Competent Authority has the power to require any additional information, supplementary to above-mentioned information, at any time during the application process, from the applicant if the mentioned authority is of the opinion that it might be necessary for the consideration of the application or for improving the information available during the public participation process.

Applications that do not comply with the provisions of any section of LUMS D are deemed to be incomplete, and must be handled in terms of section 4.5.

4. PROCEDURES FOR HANDLING OF APPLICATIONS

The following detail steps must be followed and taken into consideration by the applicant when applying for any component as described in the LUMS and must also be read in conjunction with Table 2, Applicable Time Frames. Also see Annexure C for summary of Application Procedures.

4.1. PRIOR LIAISON WITH ROLE PLAYERS AND OTHER PARTIES

It is advised that the applicant and or party acting on behalf of the land owner, contact the Competent Authority before commencing with any application stipulated in this LUMS. This is in order to obtain the correct procedures and application manual, as well as sort out the provision of Engineering Services (see par 3.3.1) and the accompanying documentation. Where a developer can prove that a party is content with a plan or proposal, for example, by indicating an endorsement on a plan or letter of the party, such party will not necessarily be asked for comment again during the public participation process. Pre-application consultation with concerned parties is strongly encouraged as applications will be accelerated in this way.

4.2. PRE-APPLICATION CONSULTATION

The Municipality may require an owner of land who intends to submit an application or his or her agent to meet with the **administrator/ authorised employee** for a pre-application consultation before he or she submits an application to the Municipality, in order to determine the information to be submitted with the application.

The Municipality may set guidelines for determining whether an application requires a pre-application consultation, the nature of the information that is required, the employees from the Municipality or other organs of state or other interested and affected parties that must attend the meeting and the procedures to be followed.

4.3. SUBMITTING OF APPLICATION

The application in terms of these regulations shall be submitted, in duplicate (x2), to the Competent Authority, together with all the required annexures as stipulated in LUMS D. Any application that must be done in accordance with the Comprehensive Application Form (Annexure A), must also be submitted digitally on a CD containing the application and all annexures. A reasonable amount of additional copies of the application and all maps, documents and annexures can be requested by the Competent Authority and the cost thereof will be at the expense of the applicant. With the submission of any application, the relevant application fees for the relevant application(s) shall be paid to the Competent Authority and proof of payment (receipt of payment) must be provided before such an application is handled and administrated. All applications must be submitted in accordance with the applicable Language policy of the Competent Authority.

4.4. APPLICATION FEES

An applicant must pay the application fees determined by the Registrar of the Competent Authority when submitting an application in terms of this LUMS. Application fees that are paid to the Competent Authority are non-refundable and proof of payment of the application fees must accompany an application. The date of the receipt of payment will be seen as the date of commencement of the applicable time frames of the Competent Authority. For each application or combination of applications, a tariff is payable to the Competent Authority, as fees are determined annually and are contained in the list of tariffs.

4.5. GROUNDS FOR REFUSING TO ACCEPT AN APPLICATION

The Registrar of the Competent Authority may refuse to accept an application under the following conditions, namely:

- i. The Competent Authority has already decided on the application;
- ii. There is no proof of payment (receipt) of the applicable fees;
- iii. The application was not done via the official and applicable application forms required by the Competent Authority (see Annexures A and B for application forms) or does not contain the documents required for the submission of the application.

4.6. RECEIPT AND PROCESSING OF APPLICATION

The following detail steps will be taken by the Competent Authority to ensure that all applications are handled in accordance with the applicable time frames, namely:

- i. The Competent Authority will acknowledge receiving the application, after the applicant provided the receipt of payment of the application fees, in writing to the applicant or by affixing a stamp on the application with the same date as the mentioned receipt.
- ii. The Competent Authority will notify the applicant in writing of any outstanding information, documentation, plans or additional fees that are required within **14 days** of receipt of the proof of payment of the application fees. Any extended time frame for the provision of additional information by the applicant may be agreed upon by the relevant role players.
- iii. After the completion of (i) and (ii), the Competent Authority will refer the relevant application (additional to advertising and notification as described hereunder), for input and comment, to any party who, according to its opinion, has an interest or can make an input. This does not include State- and/or Para-statal Departments which can be dealt with before the commencement of the normal public participation process, where the responsibility lies with the applicant.
- iv. The Applicant must allow the said State- and Para-statal Departments a **60 day period** for comments and it is advised that this section be included as an Annexure in the application.
- v. The compilation of the notifications for the public participation process will be done by the Competent Authority and provided to the applicant within a period of **14 days** after a complete application and/or all outstanding and requested documents have been received by the Competent Authority. The Applicant will be responsible to provide a copy of the application to the Ward Councillor as identified by the **administrator/ authorised employee**, at the cost of the applicant.

4.7. CONTENT OF NOTICE

The notice that is compiled for the public participation process by the Competent Authority, must comprise of the following basic information, namely:

- i. The Notice must provide the full names of the applicant, if an authorised representative is part of the application, the full names and organisation of the representative;
- ii. The Notice must identify the land or land unit to which the application relates by giving the property description and the physical address;
- iii. The Notice must clearly state the intent and purpose of the application;
- iv. The Notice must state that a copy of the application and supporting documentation will be available for viewing during the hours and at the place mentioned in the notice;
- v. The Notice must state the name and contact details of the person to whom comments, objections or representations must be addressed;
- vi. The Notice must invite members of the public to submit written comments, objections or representations, together with the reasons therefore, in respect of the application;

- vii. The Notice must state in which manner comments, objections or representations may be submitted;
- viii. The Notice must state the date by which the comments, objections or representations must be submitted, which date may not be less than **21 days** from the date on which the notice was given; and
- ix. The Notice must state that any person who cannot write may during office hours come to an address stated in the notice where a named staff member of the Municipality will assist those persons by transcribing their objections, comments or representations.

4.8. PUBLIC PARTICIPATION PROCESS

As the implications and impact will vary from application to application, the extent and methods of advertising will necessarily also not always be identical and the Competent Authority may request additional methods of advertisement at any stage, irrespective of Table 3 of LUMS D.

The following steps must be taken to ensure a thorough public participation process:

- i. The primary purpose of advertising and notification is to inform all interested and affected parties, who have any interest in the particular application or may be affected by the approval of the relevant application, of the proposed application. Advertising means to serve a notice of the intended action in terms of the LUMS to interested and affected parties, as may be identified by the Competent Authority.
- ii. The Applicant is advised to obtain the input and comments of all relevant state- and parastatals departments before submission of the application to the Competent Authority, as mentioned in section 4.6. A period of **60 days** will be allowed for the input of the said departments and any inputs or feedback must be included as an Annexure in the application submitted to the Competent Authority.
- iii. The proof of payment (receipt) of the prescribed application fees must be supplied by the applicant to the Competent Authority before the mentioned body will compile the necessary advertisement/notice (**14 days for the compilation of public participation notices**), as well as a list of interested and affected parties, as to enable the applicant to personally complete the advertising and notification process at his/her own expense.
- iv. The handling of the placement of the notices, in accordance with the relevant procedures, is the responsibility of the applicant. Proof of the prescribed process, which include a letter stating that all prescribed process has been concluded, including visual proof of the site notifications, the registered mail, signed notices, etc., must be provided to the Competent Authority before any further administrative steps can be followed.
- v. In the advertisement it shall be mentioned that any interested and affected parties objecting to the proposed amendment, shall lodge such objection in writing within **21 days** from the date of the advertisements at the Competent Authority, and it must furthermore state where the application and plans, if there are any, will be available for inspection.
- vi. The applicant will supply the Competent Authority with all proof of notices within **7 days** after the closure of the mentioned process, before any commencement of any further administrative procedures.
- vii. After all objections, inputs and comments have been received, the Competent Authority will provide the relevant correspondence to the applicant for his/her input and comment regarding the correspondence. Any liaison between the applicant and objectors that might result in the resolving of misunderstandings and subsequent withdrawal of objections is encouraged at all times. If the applicant does not respond within the time frame (**90 days**) regarding the objections/inputs, the application will be regarded as having lapsed.
- viii. The Competent Authority will not consider any objections that, in their opinion, is lodged in an attempt to eliminate commercial competition.

- ix. The particular application, together with all inputs, objections and comments will then be tabled to the Competent Authority for consideration. In cases where the relevant application can only be considered by the relevant MEC, the Competent Authority will submit its recommendation/input, together with the application and all above-mentioned documents, to the MEC for consideration.

Please note:

- i. *The Competent Authority however reserves the right to request additional advertising methods of any application at any time, notwithstanding the identified processes (see Table 3).*
- ii. *When applications are combined, the most comprehensive Advertisement Procedure will have to be followed.*
- iii. *For the relaxation, variation or amendment of original approval conditions and or restrictions, the various role players and original decision-making authorities will also have to be consulted.*
- iv. *If any National or Provincial Departments are identified as interested and affected parties during the pre-consultation phase, the 60 days period that are allowed for inputs by such identified departments (see Table 3 of LUMS D), may be launched before the actual submission of the application to the Competent Authority. The feedback of such department/s may be included in the actual application documentation as an Annexure.*
- v. *The Registrar reserves the right to request and/or require any additional steps, inputs and information in order for the process any application submitted to the Responsible Authority.*

4.9. LIABILITY FOR COST OF NOTICE

The applicant is liable for the costs incurred by serving notice of an application in terms of these LUMS, as well as any additional public participation processes that needs to be conducted, on request of the Competent Authority.

4.10. REQUIREMENTS FOR OBJECTIONS, COMMENTS OR REPRESENTATIONS

Any person or body may in response to a notice received in terms of this LUMS object, comment or make representations in accordance with this section. Any objection, comment or representation received as a result of a notice and public participation process, must be in writing and addressed to the person mentioned in the notice and must be submitted within the time period stated in the notice and in the manner set out in this section.

The objection, comment or representation must state the following components as part thereof:

- i. The name of the person or body concerned;
- ii. The address or contact details at which the person or body concerned will accept notice or service of documents;
- iii. The interest of the body or person in the application; and
- iv. The reason for the objection, comment or representation.

The reasons for any objection, comment or representation must be set out in sufficient detail in order to:

- i. Indicate the facts and circumstances that explain the objection, comment or representation;
- ii. Must demonstrate the undesirable effect which the application will have; or
- iii. Must demonstrate any aspect of the application which is not considered consistent with applicable policy.

Please Note: *The Competent Authority may not accept an objection, comment or representation received after the closing date.*

4.11. REQUIREMENTS FOR PETITIONS

All petitions must clearly state the following details:

- i. The contact details of the authorised representative of the signatories of the petition, including the proxy constituting the said representative to act on their behalf;
- ii. The full name, telephone number and physical address of each signatory; and
- iii. The detail objection, comment or representation and reasons therefore.

Any notice to the person contemplated in subsection (i) constitutes notice to all the signatories to the petition.

4.12. AMENDMENTS PRIOR TO APPROVAL

An applicant may amend his or her application at any time after notice of the application has been given in terms of these LUMS and prior to the approval thereof on the following circumstances, namely:

- i. At the applicant's own initiative;
- ii. As a result of an objection, comment or representation made during the notice process; or
- iii. At the request of the Competent Authority.

If the nature of the application has changed in any way, a new public participation process must be initiated.

4.13. POWERS TO CONDUCT ROUTINE INSPECTIONS

An employee authorised by the Competent Authority may, in accordance with the requirements of these LUMS enter land or a building for the purpose of assessing an application and/or determining whether conditions of approval are adhered to.

When conducting an inspection, the authorised employee may:

- i. Request that any record, document or item be produced to assist in the inspection;
- ii. Make copies of, or take extracts from any document produced by virtue of paragraph (i) that is related to the inspection;
- iii. On providing a receipt, remove a record, document or other item that is related to the inspection; or
- iv. Inspect any building or structure and make enquiries regarding that building or structure.
- v. Such an authorised employee may also take photos of the site for documentation reasons.

No person may interfere with an authorised employee who is conducting an inspection as contemplated in this section. The authorised employee must, upon request, produce identification showing that he or she is authorised by the Competent Authority to conduct the inspection.

4.14. CONDITIONS OF PROVISIONS AND RESTRICTIONS

Where the Competent Authority approves any application, specific provisions and/or restrictions for approval of the application may be included in the final approval letter, with the purpose to ensure that the intention of the application as approved, is adhered to or to address any particular objection. The Competent Authority may approve an application subject to conditions for the proposed utilisation of land. Any conditions imposed in accordance with this LUMS may include conditions, but not limited to the following:

- i. The provision of engineering services and infrastructure;
- ii. The cession of land or the payment of money;

- iii. The provision of land needed for public places or the payment of money in lieu of the provision of land for that purpose;
- iv. The extent of land to be ceded to the Municipality for the purpose of a public open space or road as determined in accordance with a policy adopted by the Municipality;
- v. The restructuring of settlements;
- vi. Agricultural or heritage resource conservation;
- vii. Biodiversity conservation and management;
- viii. The provision of housing with the assistance of a state subsidy, social facilities or social infrastructure;
- ix. Proof of energy efficiency as part of the development;
- x. Specific requirements aimed at addressing climate change;
- xi. The establishment of an owners' association in respect of the approval of a subdivision;
- xii. The provision of land needed by other organs of state;
- xiii. The endorsement in terms of section 31 of the Deeds Registries Act in respect of public places where the ownership thereof vests in the municipality;
- xiv. The registration of public places in the name of the municipality;
- xv. The transfer of ownership to the municipality of land needed for other public purposes;
- xvi. The implementation of a subdivision in phases;
- xvii. Any requirements of other organs of state.
- xviii. The submission of a construction management plan to manage the impact of the construction of a new building on the surrounding properties or on the environment;
- xix. Any agreements to be entered into in respect of certain conditions;
- xx. The phasing of a development, including lapsing clauses relating to such phasing;
- xxi. The delimitation of development parameters or land uses that are set for a particular zoning;
- xxii. The setting of a validity period, if the Municipality determined a shorter validity period as contemplated in these LUMS;
- xxiii. The setting of a period within which a particular condition must be met;
- xxiv. Requirements relating to engineering services as contemplated in the LUMS;
- xxv. The requirements for an occasional use, which must include:
 - a. The inclusion of parking and the number of ablution facilities required for the proposed development;
 - b. The maximum duration or occurrence of the occasional use; and
 - c. The parameters relating to a consent use in terms of the zoning scheme.

If the Competent Authority imposes a condition pertaining to Engineering Services contemplated in this LUMS, an engineering services agreement must be concluded between the Municipality and the owner of the land concerned before the construction of infrastructure commences on the land.

A condition contemplated in subsection (ii) may require only a proportional contribution to municipal public expenditure according to the normal need therefore arising from the approval, as determined by the Municipality in accordance with provincial norms and standards.

Municipal public expenditure includes, but is not limited to, municipal public expenditure for municipal service infrastructure and amenities relating to:

- i. Community facilities, including play equipment, street furniture, crèches, clinics, sports fields, indoor sports facilities or community halls;
- ii. Conservation purposes;
- iii. Energy conservation;
- iv. Climate change; or
- v. Engineering services.

Except for land needed for public places or internal engineering services, any additional land required by the Municipality or other organs of state arising from an approved subdivision must be acquired subject to applicable laws that provide for the acquisition or expropriation of land.

No conditions may be imposed that rely on a third party for fulfilment.

If the Municipality approves a land use application subject to conditions, it must specify which conditions must be complied with before the sale, development or transfer of the land. If no specific mention is made, all conditions must be met before first transfer of property and/or any development may take place.

The Competent Authority may, on its own initiative or on application, amend, delete or impose additional conditions after having given due notice to the owner and any persons whose rights may be affected.

4.15. DEVELOPMENT CHARGES

The following components are applicable regarding development charges relating to developments within the borders of the municipality as imposed by Council in accordance with sections 40(7b) of the act, namely:

- i. The applicant must pay development charges to the Competent Authority in respect of the provision of an external engineering service by the said authority.
- ii. The external engineering service for which development charges are payable must be set out in a policy adopted by the Municipality and/or annual fixed tariff list and included in the approval letter.
- iii. The amount of the development charges payable by an applicant must be calculated in accordance with the policy and/or annual fixed tariff list adopted by the Municipality.
- iv. The date by which development charges must be paid and the means of payment must be specified in the conditions of approval.
- v. The development charges imposed are subject to escalation at the rate calculated in accordance with the policy and/or annual fixed tariff list on development charges.
- vi. When determining the contribution contemplated in sections (iv) and (v), the Municipality must have regard to any applicable norms and standards and:
 - a. The municipal service infrastructure and amenities for the land concerned that are needed for the approved land use;
 - b. The public expenditure on that infrastructure and those amenities incurred in the past and that facilitates the approved land use;
 - c. The public expenditure on that infrastructure and those amenities that may arise from the approved land use;
 - d. Money in respect of contributions contemplated in subsection (iv) paid in the past by the owner of the land concerned; and
 - e. Money in respect of contributions contemplated in subsection (iv) to be paid in the future by the owner of the land concerned.

4.16. WITHDRAWAL OF APPLICATION OR AUTHORISATION

An applicant may, at any time before the Competent Authority makes a decision, withdraw an application in writing to the Municipality. The owner of land must also, in writing inform the Competent Authority if he or she has withdrawn the authorisation given to his or her former agent.

4.17. SIMULTANEOUS CONSIDERATION OF APPLICATIONS

When an application demands various approvals in terms of this or other legislation, and two or more of the applications must be advertised, the applicant has to indicate this to the Competent Authority to ensure the simultaneous advertising and submittance for approval of all such applications.

4.18. DECISION AND RIGHT TO APPEAL

Table 3 in LUMS D provides a detail structure for the decision-making process by the Competent Authority, as adopted by the Council of //Khara Hais Municipality.

The following steps are applicable in order for the Competent Authority to take a decision on any application received:

- i. The **administrator/ authorised employee** has a maximum of **60 days** after closing date of objections, or date feedback was received from the applicant on inputs on comments received during public participation process, to compile the items for presentation of the application to the decision-making body, within which timeframe a decision must also be taken.
- ii. After the decision-making body has taken a final decision on the application, the **administrator/ authorised employee** has **14 days** to provide written feedback to the applicant and all parties which gave input during the public participation process.

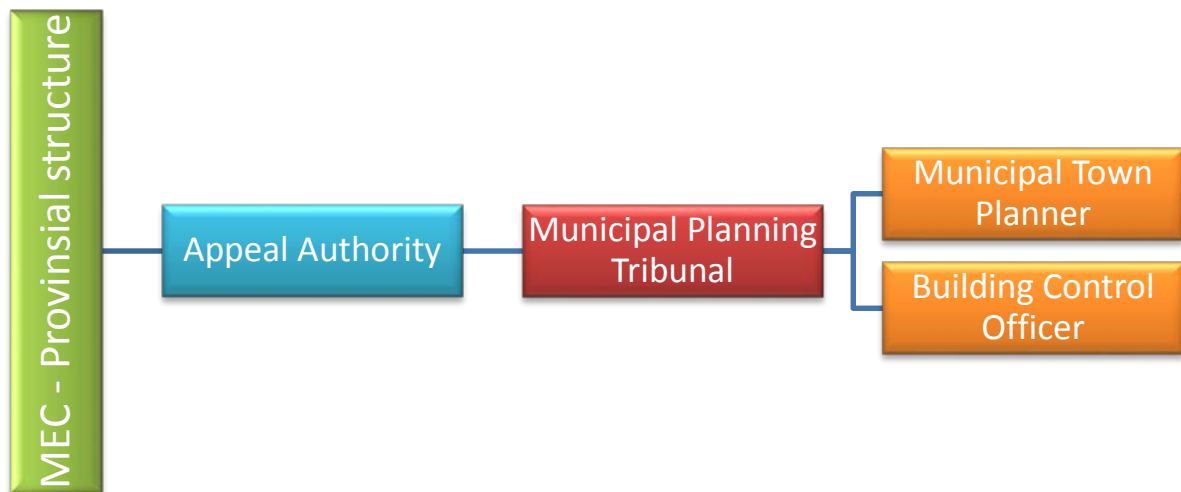
The Competent Authority will communicate in writing the final decision on the application to all parties involved (applicant, objector or person/party), notwithstanding the outcome of the decision. Any applicant, objector or person/party that made an input during the above-mentioned process, has the right to appeal against the Competent Authority's decision if he/she feels that he/she is wronged by the decision. Such an appeal shall be submitted within **21 days** after notification of the decision (notification date taken as **7 days** after date of letter of decision) is received and a copy of the appeal shall simultaneously be sent to the Competent Authority as notice of the appeal. If no notice of such an appeal is received by the Competent Authority within the prescribed time frame, the mentioned authority will proceed accordingly.

The following time frames may be subject to the regulations of the Appeal Authority and thus may change accordingly:

- i. Any person or body may, after receiving the final decision of the decision-making authority, launch an appeal against such a decision within **21 days** from the date of notification (municipal date stamp required).
- ii. After receiving the written appeal from the mentioned person or body, the Appeal Authority has **21 days** to give notice to the various role-players regarding the date and place where the appeal will take place.
- iii. The hearing of the Appeal Authority must take place within **60 days** after giving notice of the said place and date.
- iv. The **administrator/ authorised employee** of the Appeal Authority has **14 days** to give notice of the decision of the mentioned body to all role players.
- v. If inputs and or objections are received during the public participation process, it must be noted that the decision will be taken by the **Municipal Planning Tribunal**, irrespective of delegated powers.

Any application that is submitted to the Component Authority, will be handled, if applicable, by either the Municipal Planning Tribunal, the Municipal Town Planner or the Municipal Building Control Officer in accordance with Table 3 of LUMS D.

The general organizational structure adopted by the Municipality is as follow:



Please Note: If inputs and or objections are received during the public participation process, it must be noted that the decision will be taken by the Municipal Planning Tribunal, irrespective of delegated powers.

4.19. APPLICATIONS THAT NEED TO BE REFERRED TO THE MEC FOR APPROVAL

The following applications may not be considered by the Competent Authority, and the Competent Authority will, when such applications are received, process and consider the application and make a recommendation to the MEC:

- i. Any application that will have an effect on the powers of any provincial or national government level.
- ii. Any application that might have a financial influence on any provincial or national department.
- iii. Any application that might be conflicting with any provincial or national development plans.

4.20. RE-APPLICATIONS

If any application is denied by the Competent Authority and/or the Appeal process, such applicant or any successive owner of the particular land, may not submit an application for the same or similar use amendment within a period of **5 years**, unless it can be proved the circumstances or nature of the application and or objections received on the application have changed.

4.21. LAPSE OF LAND USE RIGHTS

Any new land use rights, added to a portion of land, according to an approval by the Act or the LUMS, lapse after **2 years** (or any other period that may be determined by other legislation and replaces or exceeds this Act), unless the owner has demonstrated that he/she has developed or used the land according to the application (including the registration of at least one erf for subdivisions).

Any applicant may, before the lapsing of the mentioned approval period of **2 years**, lodge an application for the extension thereof to the Competent Authority and after evaluation and further extension may be approved to a maximum of **3 years** in total (**5 years** in total).

4.22. APPLICABLE TIME FRAME

The following minimum and/or maximum time frames are applicable (Table 2) to the various actions during processing and consideration of any application, but may also be subject to National Regulations and time frames for specific applications. All time frames are determined by allowing **7 days** for postal delivery after date of postal slips, where-after the time frame becomes operational:

Table 2: Summary of applicable Time Frames:

Process:	Competent Authority/ body:	Prescribed Time Frame:
Period of input from any other department or body (outside of municipal departments), which may be launched before submitting an application to the Competent Authority.	The Applicant.	60 days
The Competent Authority's request for additional information, after receiving the application and receipt as part of the proof of payment of the applicable administrative fees.	The Competent Authority.	14 days
After the Competent Authority has received all outstanding and requested information from the applicant, the compilation of notices for the launching of the public participation process can start.	The Competent Authority.	14 days
Launching of the prescribed public participation process.	The Applicant.	21 days minimum
Providing proof of public participation process to the Competent Authority after closure of the public participation process.	The Applicant.	7 days
Competent Authority provide applicant with all comments and/or objections received for his/her comment.	The Competent Authority	14 days
The applicant's response to inputs and objections received during the public participation process.	The Applicant	90 days
Presentation of the application to the decision-making authority.	The Competent Authority.	60 days
Notice of the decision to the applicant and any person and or body that gave inputs and objections during the public participation process.	The Competent Authority.	14 days
Submitting an appeal against a decision.	The applicant/ Objectors.	21 days
Knowledge regarding date and place of appeal hearing.	Appeal Authority	21 days
Hearing by the Appeal Authority.	Appeal Authority	60 days
Knowledge of Appeal Authority's decision.	The Responsible Appeal Authority	14 days
Expiring of approval if rights are not used.	The Applicant	2 years
Extension of approval after the lapsing of the initial 2 year period.	The Competent Authority	3 years

4.23. SUMMARY OF PROCEDURE

Table 3: Summary of the application procedures in accordance with SPLUMA:

Application Category:	Nature of Application: General Notes: ✓ = compulsory and ● = option	Abridged Procedures: (see section 5 of LUMS D for detail)	Minimum Advertisement Procedure prescribed (to be determined by the Registrar):					Application Form to be used:		Decision Making Authority:			Who may apply:		
			Advertisement in Provincial Gazette	Advertisement in Local Paper	Advertisement on site	Notices to interested and affected parties	Holding of a Public Meeting	Comprehensive Application Form	Abridged Application Form	Municipal Planning Tribunal	Municipal Town Planner	Building Control Officer	Registered Town Planner	Other Professional	General Public
Rezoning	Application for Rezoning for the establishment of a township or the extension of a township (20 or more units).	NA		✓	✓	✓	●	✓		✓			●	●	●
	Application for Rezoning to and from any land use described in the Primary and Secondary Use of Zoning Codes A and B.	NA	●	✓	✓	✓	●	✓		✓			●	●	●
	Application for Rezoning to and from any land use described in the Primary and Secondary Use of Zoning Code C.	NA		✓	✓	✓		✓		●	✓		●	●	●
	Application for Rezoning in accordance with the guidelines of the SDF.	NA		✓	✓	✓		✓		●	✓		●	●	●
	Application for Rezoning that does not fit into the guidelines of the SDF and/or guiding documents (all other rezoning applications).	NA		✓	✓	✓	●	✓		✓			●	●	●

ADVERTISEMENT PROCEDURES, APPLICATION FORM AND DECISION-MAKING AUTHORITY

Application Category:	Nature of Application: General Notes: ✓ = compulsory and ● = option	Abridged Procedures: (see section 5 of LUMS D for detail)	Minimum Advertisement Procedure prescribed (to be determined by the Registrar):					Application Form to be used:		Decision Making Authority:			Who may apply:		
			Advertisement in Provincial Gazette	Advertisement in Local Paper	Advertisement on site	Notices to interested and affected parties	Holding of a Public Meeting	Comprehensive Application Form	Abridged Application Form	Municipal Planning Tribunal	Municipal Town Planner	Building Control Officer	Registered Town Planner	Other Professional	General Public
Removal of Title Deed Restrictions	The removal, amendment or suspension of a restrictive condition, servitude or reservation registered against the title of land which is necessary in order to allow for an application for rezoning and/ or subdivision by the Competent Authority in accordance with LUMS.	NA	●	●	✓	✓		●	✓		✓	●	●	●	
	The removal, amendment or suspension of a restrictive condition, servitude or reservation registered against the title of land.	NA	●	✓	✓	✓		✓		✓		●	●	●	
Departure	Application for permanent Departure from any stipulations or regulations contained in the LUMS focussing on building control, including the relaxation, variation or amendment of building lines, heights of building, floor area, coverage, density and any of the matters prescribed in these regulations as part of planning control, described in Chapter 4: Development Control of LUMS D.	NA	●	●	✓	✓		●	✓		✓	●	●	●	

ADVERTISEMENT PROCEDURES, APPLICATION FORM AND DECISION-MAKING AUTHORITY

Application Category:	Nature of Application: General Notes: ✓ = compulsory and ● = option	Abridged Procedures: (see section 5 of LUMS D for detail)	Minimum Advertisement Procedure prescribed (to be determined by the Registrar):					Application Form to be used:		Decision Making Authority:			Who may apply:		
			Advertisement in Provincial Gazette	Advertisement in Local Paper	Advertisement on site	Notices to interested and affected parties	Holding of a Public Meeting	Comprehensive Application Form	Abridged Application Form	Municipal Planning Tribunal	Municipal Town Planner	Building Control Officer	Registered Town Planner	Other Professional	General Public
Departure	Application for permanent Departure from any stipulations or regulations contained in the LUMS pertaining to land use rights and any aspects affecting the mentioned rights described in either LUMS B or D.	NA	●	●	✓	✓		●	✓		✓	●	●	●	
Temporary Departure	Application for Temporary Departure from any stipulation of regulations contained in the LUMS	NA		●	✓	✓			✓		✓	●	●	●	
Secondary Use	Application for Secondary Use, excluding the below mentioned uses.	NA		●	✓	✓		●	✓		●	●	●	●	
	Application for Secondary Uses: Funeral Parlour, Scrap Yard, Conference Facilities, Hotel.	NA		✓	✓	✓		✓		✓		●	●	●	
Consent Use	Application for Consent Use, including Occupational Practice, Day-Care centres, Bird and animal cages, excluding Temporary Housing and Place of Entertainment.	NA		●	✓	✓			✓		✓	●	●	●	

ADVERTISEMENT PROCEDURES, APPLICATION FORM AND DECISION-MAKING AUTHORITY

Application Category:	Nature of Application: General Notes: ✓ = compulsory and ● = option	Abridged Procedures: (see section 5 of LUMS D for detail)	Minimum Advertisement Procedure prescribed (to be determined by the Registrar):					Application Form to be used:		Decision Making Authority:			Who may apply:		
			Advertisement in Provincial Gazette	Advertisement in Local Paper	Advertisement on site	Notices to interested and affected parties	Holding of a Public Meeting	Comprehensive Application Form	Abridged Application Form	Municipal Planning Tribunal	Municipal Town Planner	Building Control Officer	Registered Town Planner	Other Professional	General Public
Consent Use	Application for Consent Use for Temporary Housing and Place of Entertainment.	NA		✓	✓	✓		✓		●	✓		●	●	●
	Application for Consent Use of Tuck Shops.	NA	AS PER TUCK-SHOP POLICY					TUCK-SHOP APPLICATION FORM		●	LED		AS PER TUCK-SHOP POLICY		
	Application for Bird and Animal Cages.	NA		●	●	✓			✓			✓	●	●	●
Subdivision	Application for Subdivision for the establishment of a township or the extension of a township (20 or more units).	NA		✓	✓	✓	●	✓		✓			●	●	●
	Application for Subdivision in accordance with the guidelines of the SDF and/or guiding documents.	NA			✓	✓			✓		✓		●	●	●
	Application for Subdivision that does not fit into the guidelines of the SDF and/or guiding documents.	NA		✓	✓	✓		✓		✓			●	●	●

ADVERTISEMENT PROCEDURES, APPLICATION FORM AND DECISION-MAKING AUTHORITY

Application Category:	Nature of Application: General Notes: <input checked="" type="checkbox"/> = compulsory <input type="checkbox"/> and <input type="checkbox"/> = option	Abridged Procedures: (see section 5 of LUMS D for detail)	Minimum Advertisement Procedure prescribed (to be determined by the Registrar):					Application Form to be used:		Decision Making Authority:			Who may apply:		
			Advertisement in Provincial Gazette	Advertisement in Local Paper	Advertisement on site	Notices to interested and affected parties	Holding of a Public Meeting	Comprehensive Application Form	Abridged Application Form	Municipal Planning Tribunal	Municipal Town Planner	Building Control Officer	Registered Town Planner	Other Professional	General Public
Subdivision	Applications as described in section 5 of LUMS D.	YES			●	●			✓		✓		●	●	●
	Application for subdivision of bone-fide agricultural land, where the approval will be given subject to Act 70 of 1970.	YES		✓	●	●			✓		✓		●	●	●
Original Approval Conditions	The relaxation, variation or amendment of original approval conditions and/or restrictive regulations and procedures.	NA		✓	●	●		✓		TO BE CONSIDERED BY THE ORIGINAL DECISION-MAKING AUTHORITY			●	●	●
General Plan Cancellation	The amendment or cancellation of a general plan of a township.	YES			●	●			✓		✓		●	●	●
Closure of park or public road	The permanent closure of a municipal road (public road) or a public open place.	NA	●	✓	✓	✓			✓		✓		●	●	●

ADVERTISEMENT PROCEDURES, APPLICATION FORM AND DECISION-MAKING AUTHORITY

Application Category:	Nature of Application: General Notes: ✓ = compulsory and ● = option	Abridged Procedures: (see section 5 of LUMS D for detail)	Minimum Advertisement Procedure prescribed (to be determined by the Registrar):					Application Form to be used:		Decision Making Authority:			Who may apply:		
			Advertisement in Provincial Gazette	Advertisement in Local Paper	Advertisement on site	Notices to interested and affected parties	Holding of a Public Meeting	Comprehensive Application Form	Abridged Application Form	Municipal Planning Tribunal	Municipal Town Planner	Building Control Officer	Registered Town Planner	Other Professional	General Public
Consolidation	The consolidation of any land portion.	YES				✓			✓		✓		●	●	●
Extension of Approval period	Application for the extension of the approval period of an application before the lapsing thereof.	YES			●	●			✓		✓		●	●	●
Other	Any application in terms of these regulations that is not supported in the policy documents and SDF of the Competent Authority.	NA		✓	✓	✓	●		✓		✓		●	●	●

5. DEVELOPMENT INCENTIVES AND ABRIDGED PROCESSES

5.1. DEVELOPMENT INCENTIVES

5.1.1. DEVELOPMENT WITHIN SDF GUIDELINES

Any property or land that falls within a specific node, development corridor and/or earmarked area for development, as indicated in the SDF documentation of the various spheres of Government, may follow the minimum advertisement procedures as indicated in Table 2, which also may include the completion of the Abridged Application form and decision-making by either the Municipal Town Planner and/or the Building Control Officer (see Table 2 for specific detail). The intention thereof is to shorten the application time frame and processes and therefore minimum advertisement procedures are applicable. The decision making authority is also determined in the mentioned table and minimum procedures will be determined by the Competent Authority, if not stipulated in Table 2. Please note the abridged procedures as it forms part of subsections 5.2.1 and 5.2.2. Please also refer to paragraph 3.3.1 of this document and the SDI component, as identified and discussed as part of the //Khara Hais SDF document, for detail regarding development incentives.

5.2. ABRIDGED PROCESSES

5.2.1. EXEMPTED SUBDIVISIONS AND CONSOLIDATIONS SUBJECT TO ABRIDGED PROCEDURES

The following subdivisions and consolidations are to the advantage of the general public, or are of such a nature that it cannot negatively influence any adjacent land owner or occupant and is therefore exempted from the advertising requirements and application fees of a normal application and includes the following subdivisions, namely:

- i. The subdivision of land for the building or changing of roads or any other matter in regard therewith;
- ii. The subdivision of land to bring about the transfer thereof to a local authority, para-statal or other statutory body with the exception of land units expropriated for development;
- iii. The subdivision of land where the State may require a survey, irrespective whether the State is the land owner or not;
- iv. The subdivision of land to implement the registration of a servitude or lease area in the name of a local authority, the state, a para-statal or other statutory body;
- v. The subdivision or consolidation of land that arises from the implementation of a court ruling;
- vi. The subdivision or consolidation arises from an expropriation;
- vii. The registration of a servitude or lease agreement for the provision or installation of—
 - a. Water pipelines, electricity transmission lines, sewer pipelines, gas pipelines or oil and petroleum product pipelines by or on behalf of an organ of state or service provider;
 - b. Telecommunication lines by or on behalf of a licensed telecommunications operator;
- viii. The exclusive utilisation of land for agricultural purposes, if the utilisation—
- ix. Requires approval in terms of legislation regulating the subdivision of agricultural land; and
 - a. Does not lead to urban expansion;
 - b. The granting of a right of habitation, right of way, pipe line or usufruct.

Please Note: At the submission of these applications, the following documentation will be sufficient as part of the abridged procedures, unless the Competent Authority requires any additional information on any specific application, namely:

- i. An Orientating Locality Map as described under section 3.2.1;
- ii. A Basic Layout Plan as described under section 3.2.2; and
- iii. A completed Abridged Application Form (see Annexure B).

5.2.2. OTHER APPLICATIONS SUBJECT TO ABRIDGED PROCEDURES

The following applications falls under the abridged procedures, which includes minimum advertising procedures and application requirements. These applications include the following, namely:

- i. Subdivision, necessitating the survey of streets and/or closed public open spaces, enabling it to consolidate with the adjoining erf or erven;
- ii. The subdivision of land in existing housing schemes in order to make private ownership possible;
- iii. The subdivision of land in order to amend the communal boundaries between two or more land units;
- iv. Application for subdivision of bone-fide agricultural land, where the approval will be given subject to Act 70 of 1970;
- v. The amendment or cancellation of a general plan of a township;
- vi. Application for the extension of the approval period of an application before the lapsing thereof;
- vii. The consolidation of any land portion; and

Please Note: *At the submission of these applications, the following documentation will be sufficient, unless the Competent Authority requires any additional information on the specific application, namely:*

- i. *A orientation locality map, showing the site in relation to the surrounding area;*
- ii. *A basic Layout map.*
- iii. *A copy of the title deed(s) and survey diagram(s) of the land;*
- iv. *A copy of any servitude deed regarding the land;*
- v. *A copy of any bond(s) regarding the land, together with the bondholder's consent, if applicable;*
- vi. *The owner's consent and/or power of attorney, if applicable; and*
- vii. *The completed Abridged Application Form.*

6. GENERAL PRINCIPLES AND POLICIES

6.1. GENERAL PRINCIPLES AND POLICY

The Competent Authority will use the following principles as basis for the consideration of any application:

- i. The national principles of sustainability, equality, efficiency, integration and sound management.
- ii. The Development Principles as set out in SPLUMA, Act 16 of 2013.
- iii. The reconcilability of the application with the definitions of the SDF and the IDP and any other approved planning document or plan of the Competent Authority.
- iv. The Competent Authority's prescribed procedure and advertising requirements (LUMS D) shall strictly be adhered to.
- v. Reconcilability of the application with the Competent Authority's Spatial Guidelines as included in the LUMS, any policy document or previous resolutions of the Competent Authority.
- vi. Any policy of the Competent Authority, as included in the Competent Authority's Policy Register or minutes of meetings.

6.2. SPATIAL GUIDELINES

Additional to above-mentioned policy aspects and principles, the following spatial guidelines will also form the basis during the consideration of any application by the Competent Authority:

- i. Section 3.17 in LUMS B applies to any development within flood plains.
- ii. No application which will provide for the establishment of any bottle store or any other sales point for alcohol (wholesale excluded), including secondary sales of alcohol inside shops or supermarkets, will be allowed within residential or industrial areas, or any other area not indicated in the SDF, indicated as a CBD or secondary nodes.

Annexure A: COMPREHENSIVE APPLICATION FORM

ANNEXURE A: COMPREHENSIVE APPLICATION FORM:**//KHARA HAIS MUNICIPALITY**

Application for land use amendments (give full details in the attached motivation report, if space provided is not enough)

SECTION 1**Details of Applicant** (See Planning Profession Act, Act 36 of 2002)

Name: _____	Contact person: _____
Postal address: _____	Physical address: _____
_____	_____
Code: _____	_____
Tel no: _____	Cell no: _____
Fax no: _____	E-mail address: _____
SACPLAN _____	_____
Reg No: _____	_____

SECTION 2**Details of Land Owner** (If different from Applicant)

Name: _____	Contact person: _____
Postal address: _____	Physical address: _____
_____	_____
Code: _____	Code: _____
Tel no: _____	Cell no: _____
Fax no: _____	E-mail address: _____
_____	_____

If the applicant is not the registered owner(s), attach a power of attorney from the registered owner(s) to the application. This also applies if the person applying is still busy obtaining the land unit and if the land unit is owned by a company or more than one person.

SECTION 3**Details of Property** (In accordance with Title deed)

Erf / Farm No and portion description: _____	Area (m² or ha): _____
Physical address of erf / farm (Street address): _____	Existing zoning: _____
Location from nearest town: _____	Existing land use: _____
Town/ suburb: _____	Area applicable to application: _____
Registration Division: _____	Title deed no: _____
_____	_____

SECTION 4
Type of Application being Submitted (Mark with an X and give detail)

Application for:
(Please mark applicable block with a cross)

Rezoning from one zone to another:				
Removal, suspension or amendment of Title Deed Restrictions:				
The removal, amendment or suspension of a restrictive condition, servitude or reservation registered against the title of land which is necessary in order to allow for an application for rezoning and subdivision by the Responsible Authority.				
Permanent departure from any stipulations as determined in these regulations, including relaxing of Development Control stipulations:				
Temporary departure to allow the use of a building or land for a period of at most five years, for a purpose for which no specific zone has been provided for in these regulations:				
Secondary use as determined in these regulations:				
Consent use as determined in these regulations:				
The subdivision of land:				
The annulment, suspension or amendment of the original approval conditions as provided by the Responsible Authority:				
The amendment or cancellation of a general plan of a township/ SG Diagram.				
The permanent closure of a municipal road (public road) or a public open place.				
Consolidation of one or more properties:				
The extension of the approval period:				
Any other application in terms of the Act or Regulations:				
Amendment of Approval Conditions:				
Application for the extension of the approval period of an application before the lapsing thereof.				
Any other application as stipulated in the act and/or LUMS:				
Please give a short description of the scope of the project:				
<hr/> <hr/> <hr/>				
Capital Contribution Calculation (Development Charge):				
Has the Capital contribution been calculated?	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">YES:</td> <td style="width: 50%; border: none;">NO:</td> </tr> </table>	YES:	NO:	
YES:	NO:			
Amount to be paid to //Khara Hais Municipality:	R:			
Calculation done, signed and attached as Annexure:	<table style="width: 100%; border: none;"> <tr> <td style="width: 25%; border: none;">YES:</td> <td style="width: 25%; border: none;">NO:</td> <td style="width: 50%; border: none;">Annexure:</td> </tr> </table>	YES:	NO:	Annexure:
YES:	NO:	Annexure:		

SECTION 5**Detail of application** (Mark with an X and give detail where applicable)

Is the land unit currently developed (buildings etc.)?	YES:	NO:	If answered YES, what is the nature & condition of the developments / improvements?	
Is the current zoning of the land utilised?	YES:	NO:	If answered NO, what is the application / use of the land?	
Is the property burdened by a bond?	YES:	NO:	If answered YES, attach the bondholder's consent to the application:	
Has an application for subdivision / rezoning / consent use / departure on the property previously been considered in the past?	YES:	NO:	If answered YES, state when and provide particulars, including all authority reference numbers and decisions:	
Does the proposal apply to the entire land unit?	YES:	NO:	If answered NO, indicate the size of the portion of the land unit concerned, as well as what it will be used for and the same for the remaining extent:	
Are there any restrictions, such as servitudes, rights, bonds, etc. with regard to the land unit in terms of the deed of transfer that should be lifted, as it might have an influence on this application?	YES:	NO:	If answered YES, please provide detail description:	
Are there any physical restrictions (e.g. steep inclines, unstable land formations, marshes, etc.) that might influence the intended development?	YES:	NO:	If answered YES, name full particulars and state how the problem will be solved and submit detail layout plan:	
Is any portion of the land unit in a flood plain of a river beneath the 1:50 annual flood-line, or subject to any flooding?	YES:	NO:	If answered YES, please provide detail description:	
Is any other approval that falls outside of this Act, necessary for the implementing of the intended development?	YES:	NO:	If answered YES, please provide detail description:	
What arrangements will be made regarding the following services for the development? (Full Engineering Reports must be supplied, where applicable). If services will be provided by the Municipality, proof of input from departments must be included as Annexure to the application.	Water supply:			
	Electricity supply:			
	Sewerage and waste-water:			
	Storm-Water:			
Road Network:				

SECTION 6**List of Attachments and supporting information required / submitted with checklist for Municipal use** (Mark with an X / number annexure)

<u>Checklist (for the completion by the Applicant only)</u>				<u>Checklist (for the use of Responsible Authority only)</u>		
YES	NO	ANNEXURE	DOCUMENT ATTACHED	YES	NO	N/A
			Completed Comprehensive Application form			
			Complete Motivation Report			
			Board of Directors' / Trustees' resolution / consent			
			Power of Attorney			
			Copy of Title Deed(s)			
			Orientating Locality Map			
			Basic Layout Map			
			Zoning Map Extract			
			Land Use Map			
			Detail Layout Map			
			Ortophoto / Aerial survey map			
			Site Development Plan			
			Surveyor general diagrams (cadastral information)			
			Conveyancer's certificate			
			Bondholder's consent			
			Home Owners' Association consent / stamp of approval			
			Special endorsement/proxy			
			Mineral rights certificate (together with mineral holder's consent)			
			Prospecting contract			
			Registered servitudes (deed and map/plan)			
			Status report from Surveyor General – street closure or state owned land			
			Detail Engineering Services plan (Bulk and internal)			
			Environmental Impact Assessment (EIA)			
			Environmental Authorisation (EA)			
			Archaeological Impact Assessment (AIA) - approval from relevant Department			
			Heritage Impact Assessment - approval from relevant Department			
			Traffic impact study			
			Geological (soil) report (NHRB Standards)			
			Flood line certificate / coastal setback report - certificate from relevant Dept			
			Subdivision of Agricultural land - permission from relevant Department Agriculture			
			List of sections in Title Deed conditions to be removed /amended			
			Public participation report and minutes of meetings			
			Adherence to PSDF, SDF and use of relevant Toolkit			
			Other (specify):			
			Two (2) sets of full color documentation copies			

SECTION 7 **Declaration**

Note: If application is made by a person other than the owner, a Power of Attorney is compulsory. If the property is owned by more than one person, the signature of each owner is compulsory. Where the property is owned by a company, trust, or other juristic person, a certified copy of the Board of Directors/Trustees' resolution is compulsory.

I hereby certify the information supplied in this application form to be complete and correct and that I am properly authorised to make this application.

Applicant's / Owner's Signature: _____

Date: _____

Full name (print): _____

Professional capacity: _____

Applicant's ref: _____

SECTION 8

Prescribed Notice and advertisement procedures (for the completion and use of Responsible Authority only)

Checklist for required advertisement procedure			Checklist for required proof of advertisement		
YES	NO	DOCUMENTATION AND STEPS TO BE TAKEN	YES	NO	DOCUMENTATION TO BE PROVIDED AS PROOF
		Notice to be placed in the Local Newspaper			Proof of Notice in Local Newspaper: <i>Note: The original newspaper advertisement or full colour copy, indicating page number and date.</i>
		Notice to be placed in the Provincial Gazette			Proof of Notice in the Provincial Gazette <i>Note: The original newspaper advertisement or full colour copy, indicating page number and date.</i>
		Notices to neighbours <i>Note: The map indicating the neighbouring erven and list of neighbours will be provided. If the applicant chooses to deliver the notices per hand (Option 1), two copies of the notice must be provided on or before the date of the notice to each neighbour. One copy of the notice must be signed by the respective party (neighbour) to be handed back to the Responsible Authority by the applicant. Alternatively (Option 2), the notices can be sent via registered post.</i>			Proof of Notice to neighbours: <i>Note: Option 1: The signed notices of all surrounding neighbours, as identified by the Responsible Authority, must be provided. Note: Option 2: The proof of the registered mail must be provided to the Responsible Authority</i>
		Notice to be placed on the site <i>Note: The notice provided must be placed on the site in a laminated A3 format (Afrikaans and English separate on A3) on or before the date of the notice.</i>			Proof of Notice on site: <i>Two colour photos of the notice on site must be provided of which one is close up and the other one is taken from a distance in order to see the placing on the site itself.</i>
		Public Meeting <i>Note: The holding of a public meeting in order to inform the general public of the application.</i>			Proof of Public Meeting: <i>The applicant must provide proof of the agenda, the attendance register and minutes of the meeting to the Responsible Authority.</i>
		Any Additional components:			Proof of additional components:

SECTION 9
Power of Attorney/ Proxy

I/We, the undersigned

(FULL NAMES AND ID NO)

Nominate, constitute and hereby appoint

(FULL NAMES AND ID NO, AS WELL AS NAME OF FIRM REPRESENTED)

With the power of substitution to be my lawful agent in my name, place and to handle all aspects in my stead, pertaining to the application(s) for

(FULL DETAILS OF THE APPLICATION LODGED)

with regards to

(DESCRIPTION OF PROPERTY)

and in general to realise the proposed goals and whatever may be necessary, in a fashion as complete and efficient as I/we would have done if I/we were personally representing this matter. I/we ratify, allow and confirm herewith, and promise to ratify, allow and confirm whatever my/our agent does lawfully within this matter.

SIGNED at _____ on this _____ day of _____ 20____
(TOWN) (DAY) (MONTH) (YEAR)

In the presence of the undersigned witnesses

Signature of Delegated/ Land Owner

Witness 1

Witness 2

Annexure B: ABRIDGED APPLICATION FORM

ANNEXURE B: ABRIDGED APPLICATION FORM:**//KHARA HAIS MUNICIPALITY**

Application for land use amendments (give full details in the attached motivation report, if space provided is not enough)

SECTION 1**Details of Applicant** (See Planning Profession Act, Act 36 of 2002)

Name: _____	Contact person: _____
Postal address: _____	Physical address: _____
_____	_____
Code: _____	_____
Tel no: _____	Cell no: _____
Fax no: _____	E-mail address: _____
SACPLAN _____	_____
Reg No: _____	_____

SECTION 2**Details of Land Owner** (If different from Applicant)

Name: _____	Contact person: _____
Postal address: _____	Physical address: _____
_____	_____
Code: _____	Code: _____
Tel no: _____	Cell no: _____
Fax no: _____	E-mail address: _____
_____	_____

If the applicant is not the registered owner(s), attach a power of attorney from the registered owner(s) to the application. This also applies if the person applying is still busy obtaining the land unit and if the land unit is owned by a company or more than one person.

SECTION 3**Details of Property** (In accordance with Title deed)

Erf / Farm No and portion description: _____	Area (m² or ha): _____
Physical address of erf / farm (Street address): _____	Existing zoning: _____
Location from nearest town: _____	Existing land use: _____
Town/ suburb: _____	Area applicable to application: _____
Registration Division: _____	Title deed no: _____
_____	_____

SECTION 4
Type of Application being Submitted (Mark with an X and give detail)

Application for:
(Please mark applicable block with a cross)

The removal, amendment or suspension of a restrictive condition, servitude or reservation registered against the title of land which is necessary in order to allow for an application for rezoning and subdivision by the Responsible Authority.	
Temporary departure to allow the use of a building or land for a period of at most five years, for a purpose for which no specific zone has been provided for in these regulations.	
Application for Secondary Use, excluding Funeral Parlour, and Scrap Yard.	
Application for Consent Use, including Occupational Practice, excluding Temporary Housing.	
Application for Subdivision in accordance with the guidelines of the SDF.	
Application for subdivision requiring abridged processes in accordance with section 5 of LUMS D.	
The amendment or cancellation of a general plan of a township, / SG Diagram.	
The permanent closure of a municipal road (public road) or a public open place.	
The consolidation of any land portion.	
Application for the extension of the approval period of an application before the lapsing thereof.	
Any other application as stipulated in the act and/or LUMS:	
<p>Please give a short description of the scope of the project:</p> <hr/> <hr/>	
Capital Contribution Calculation (Development Charge):	
Has the Capital contribution been calculated?	YES: NO:
Amount to be paid to //Khara Hais Municipality:	R:
Calculation done, signed and attached as Annexure:	YES: NO: Annexure:

SECTION 5
Detail of application (Mark with an X and give detail where applicable)

Is the property burdened by a bond?	YES:	NO:	If answered YES, attach the bondholder's consent to the application:
Has an application for subdivision / rezoning / consent use / departure on the property previously been considered in the past?	YES:	NO:	If answered YES, state when and provide particulars, including all authority reference numbers and decisions:
Does the proposal apply to the entire land unit?	YES:	NO:	If answered NO, indicate the size of the portion of the land unit concerned, as well as what it will be used for, and the same for the remaining extent:
Are there any restrictions, such as	YES:	NO:	If answered YES, please provide

servitudes, rights, bonds, etc. with regard to the land unit in terms of the deed of transfer that should be lifted, as it might have an influence on this application?			detail description:	
Are there any physical restrictions (e.g. steep inclines, unstable land formations, marshes, etc.) that might influence the intended development?	YES:	NO:	If answered YES, name full particulars and state how the problem will be solved and submit detail layout plan:	
Is any portion of the land unit in a flood plain of a river beneath the 1:50 annual flood-line, or subject to any flooding?	YES:	NO:	If answered YES, please provide detail description:	
Is any other approval that falls outside of this Act, necessary for the implementing of the intended development?	YES:	NO:	If answered YES, please provide detail description:	
What arrangements will be made regarding the following services for the development? (Full Engineering Reports must be supplied, where applicable). If services will be provided by the Municipality, proof of input from departments must be included as Annexure to the application.	Water supply:			
	Electricity supply:			
	Sewerage and waste-water:			
	Storm-Water:			
	Road Network:			

SECTION 6**List of Attachments and supporting information required / submitted with checklist for Municipal use** (Mark with an X / number annexure)

<u>Checklist (for the completion by the Applicant only)</u>				<u>Checklist (for the use of Responsible Authority only)</u>		
YES	NO	ANNEXURE	DOCUMENT ATTACHED	YES	NO	N/A
			Completed Abridged Application form			
			Board of Directors' / Trustees' resolution / consent			
			Power of Attorney			
			Copy of Title Deed(s)			
			Orientating Locality Map			
			Basic Layout Map			
			Bondholder's consent			
			Home Owners' Association consent / stamp of approval			
			Special endorsement/proxy			
			Registered servitudes (deed and map/plan)			
			Surveyor general diagrams (cadastral information)			
			Status report from Surveyor General – street closure or state owned land			
			Flood line certificate / coastal setback report - certificate from relevant Dept			
			Subdivision of Agricultural land - permission from relevant Department Agriculture			
			List of sections in Title Deed conditions to be removed /amended			
			Adherence to PSDF, SDF and use of relevant Toolkit			
			Other (specify):			
			Two (2) sets of full color documentation copies			

SECTION 7 **Declaration**

Note: *If application is made by a person other than the owner, a Power of Attorney is compulsory. If the property is owned by more than one person, the signature of each owner is compulsory. Where the property is owned by a company, trust, or other juristic person, a certified copy of the Board of Directors/Trustees' resolution is compulsory.*

I hereby certify the information supplied in this application form to be complete and correct and that I am properly authorised to make this application.

Applicant's / Owner's Signature: _____

Date: _____

Full name (print): _____

Professional capacity: _____

Applicant's ref: _____

SECTION 8

Prescribed Notice and advertisement procedures (for the completion and use of Responsible Authority only)

Checklist for required advertisement procedure			Checklist for required proof of advertisement		
YES	NO	DOCUMENTATION AND STEPS TO BE TAKEN	YES	NO	DOCUMENTATION TO BE PROVIDED AS PROOF
		Notice to be placed in the Local Newspaper			Proof of Notice in Local Newspaper: <i>Note: The original newspaper advertisement or full colour copy, indicating page number and date.</i>
		Notice to be placed in the Provincial Gazette			Proof of Notice in the Provincial Gazette <i>Note: The original newspaper advertisement or full colour copy, indicating page number and date.</i>
		Notices to neighbours <i>Note: The map indicating the neighbouring erven and list of neighbours will be provided. If the applicant chooses to deliver the notices per hand (Option 1), two copies of the notice must be provided on or before the date of the notice to each neighbour. One copy of the notice must be signed by the respective party (neighbour) to be handed back to the Responsible Authority by the applicant. Alternatively (Option 2), the notices can be sent via registered post.</i>			Proof of Notice to neighbours: <i>Note: Option 1: The signed notices of all surrounding neighbours, as identified by the Responsible Authority, must be provided. Note: Option 2: The proof of the registered mail must be provided to the Responsible Authority</i>
		Notice to be placed on the site <i>Note: The notice provided must be placed on the site in a laminated A3 format (Afrikaans and English separate on A3) on or before the date of the notice.</i>			Proof of Notice on site: <i>Two colour photos of the notice on site must be provided of which one is close up and the other one is taken from a distance in order to see the placing on the site itself.</i>
		Public Meeting <i>Note: The holding of a public meeting in order to inform the general public of the application.</i>			Proof of Public Meeting: <i>The applicant must provide proof of the agenda, the attendance register and minutes of the meeting to the Responsible Authority.</i>
		Any Additional components			Proof of additional components:

SECTION 9
Power of Attorney/ Proxy

I/We, the undersigned

(FULL NAMES AND ID NO)

Nominate, constitute and hereby appoint

(FULL NAMES AND ID NO, AS WELL AS NAME OF FIRM REPRESENTED)

With the power of substitution to be my lawful agent in my name, place and to handle all aspects in my stead, pertaining to the application(s) for

(FULL DETAILS OF THE APPLICATION LODGED)

with regards to

(DESCRIPTION OF PROPERTY)

and in general to realise the proposed goals and whatever may be necessary, in a fashion as complete and efficient as I/we would have done if I/we were personally representing this matter. I/we ratify, allow and confirm herewith, and promise to ratify, allow and confirm whatever my/our agent does lawfully within this matter.

SIGNED at _____ on this _____ day of _____ 20____
(TOWN) (DAY) (MONTH) (YEAR)

In the presence of the undersigned witnesses

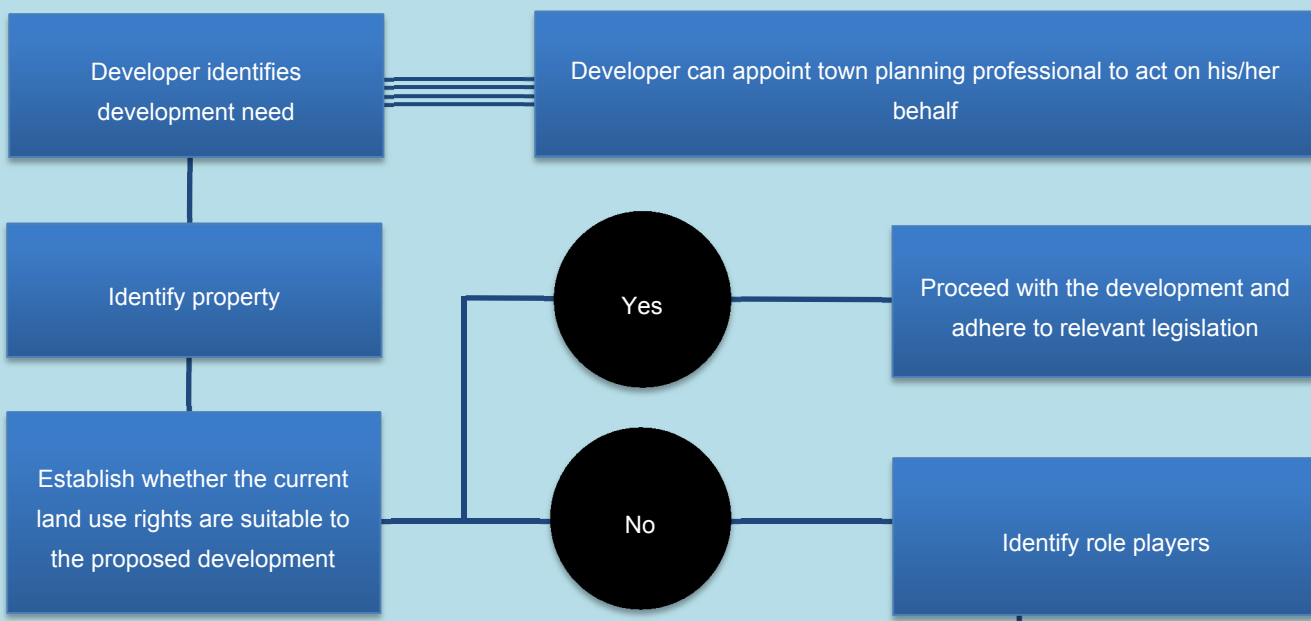
Signature of Delegated/ Land Owner

Witness 1

Witness 2

Annexure C: SUMMARY OF APPLICATION PROCEDURES

Pre-Application Feasibility Analysis



LEGEND:

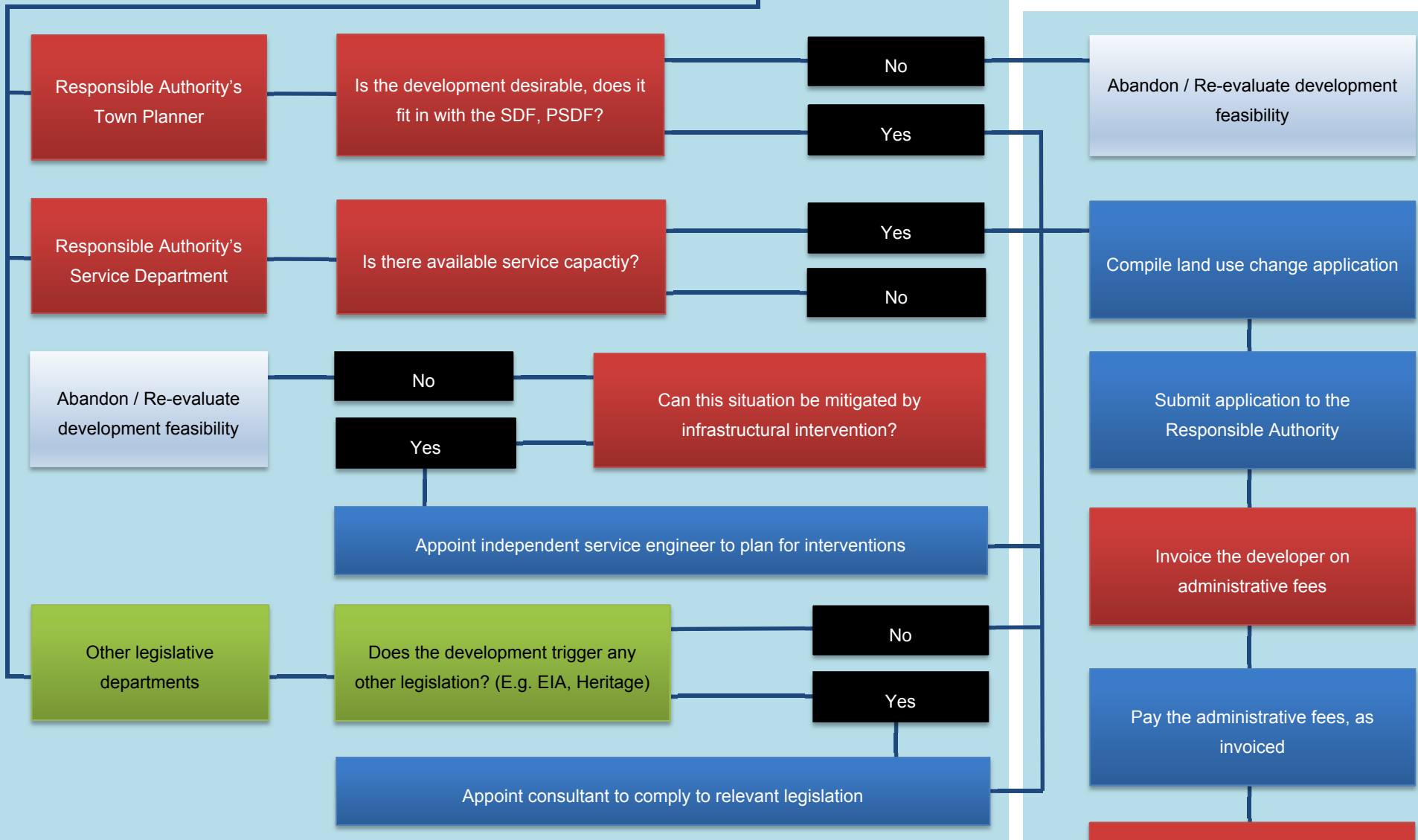
- Developer driven aspects.
- Aspects driven by external departments.
- Aspects driven by the Responsible Authority.
- Neutral Responses.

Intellectual Property of Macroplan Town & Regional Planners, Upington, Northern Cape Province

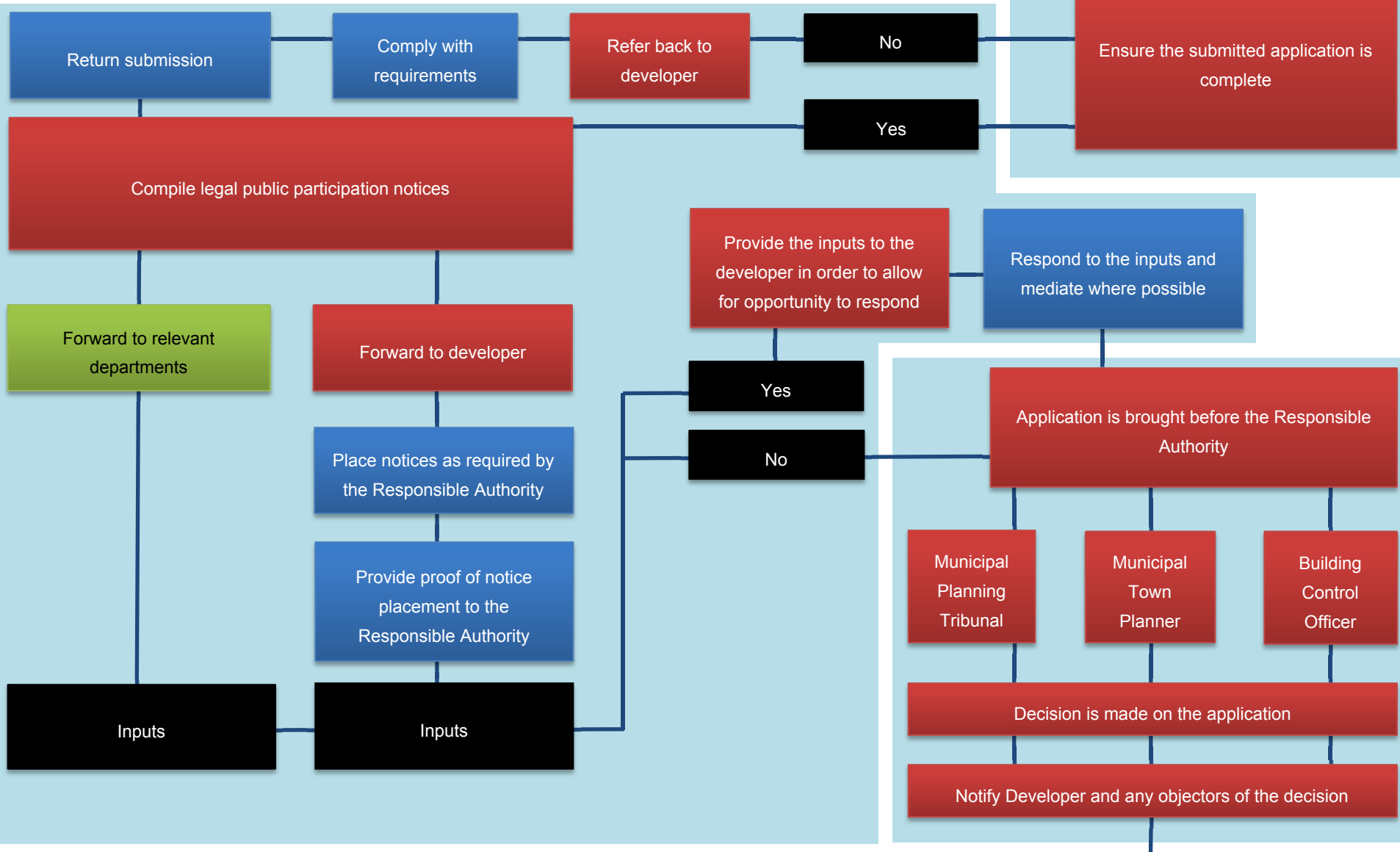
Client: //Khara Hais Local Municipality

Consultant: Macroplan Town & Regional Planners

Application Development



Public Participation Process



Decision Making

Possible Appeal Process, should any party feel wronged by the decision of the Responsible Authority